

FILED/ACCEPTED

OCT 15 2007

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	EB Docket No. 07-147
)	
PENDLETON C. WAUGH, CHARLES M.)	File No. EB-06-IH-2112
AUSTIN, and JAY R. BISHOP)	NAL/Acct. No. 200732080025
)	
PREFERRED COMMUNICATION)	FRN No. 0003769049
SYSTEMS, INC.)	
)	
Licensee of Various Site-by-Site Licenses in)	
the Specialized Mobile Radio Service.)	
)	
PREFERRED ACQUISITIONS, INC.)	FRN No. 0003786183
)	
Licensee of Various Economic Area Licenses)	
in the 800 MHz Specialized Mobile Radio)	
Service)	

To: Pendleton C. Waugh

ENFORCEMENT BUREAU'S FIRST INTERROGATORIES
TO
PENDLETON C. WAUGH.

1. The Enforcement Bureau ("Bureau"), pursuant to Sections 1.311 and 1.323 of the Commission's rules, 47 C.F.R. §§ 1.311 and 1.323, submits the following interrogatories to Pendleton C. Waugh ("Waugh"), Consultant and potential shareholder of Preferred Communication Systems, Inc. ("PCSI").

2. Waugh shall deliver his responses to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12th Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and Waugh) within 14 days of the date of these interrogatories.

Noted for filing rec'd 096
10/15/07

3. The obligation of Waugh to answer these interrogatories is continuing in nature. Waugh has an obligation to provide in the future any and all additional responsive information that may come to his attention subsequent to his answering these interrogatories but not initially disclosed at the time, date and place set forth herein or in any supplemental answers that he submits. In this regard, Waugh must supplement his initial and supplemental responses if he learns that, in some material respect, the responses initially provided, or as supplemented, were incomplete or incorrect or if additional responsive information is acquired by or has become known to him after his initial or supplemental responses.

Definitions and Instructions

- a. As used herein, the term "Waugh" means Pendleton C. Waugh.
- b. The term "PCSI" means Preferred Communication Systems, Inc., its subsidiaries and affiliates.
- c. The term "PAI" means Preferred Acquisitions, Inc., its parent company, subsidiaries, and affiliates.
- d. The term "Commission" means Federal Communications Commission and includes any and all Bureaus, Divisions, Branches, and offices thereof.
- e. The terms "relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.
- f. The term "and" also means "or" and the term "or" also means "and."
- g. The term "each" also means "every" and the term "every" also means "each."
- h. The term "all" also means "any" and the term "any" also means "all."

i. The term “identify” when used with reference to a person or persons, means to state his or her full name; last known business and residence addresses; and last known business and residence telephone numbers.

j. The term "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Waugh.

k. The terms “authorization,” “authorizations,” “license” or “licenses” refer to those licenses identified in footnotes 1-2 of the Commission’s Order in the above-captioned proceeding, *Pendleton C. Waugh, et al.*, Order to Show Cause and Notice of Opportunity for Hearing, FCC 07-125, released July 20, 2007.

l. With regard to each answer, identify the person(s) or document(s) relied upon by Waugh in determining the substance of the answer.

m. Unless otherwise specifically stated, all questions refer to the period of time from January 1, 1998, to the present.

Interrogatories

1. Identify all businesses in which Waugh has engaged. As to each such business:
 - a. Specify the name, address, and telephone number;
 - b. Specify the nature of such business;
 - c. Specify the duration of Waugh's involvement;
 - d. Describe fully the nature and extent of Waugh's involvement.
2. State whether Waugh has or has had a financial interest of any kind in any business entity. If so, as to each such business entity:
 - a. Identify the name, address, and telephone number of the business entity;
 - b. Describe the nature and extent of such financial interest;
 - c. Specify the date such financial interest was acquired and explain fully how such financial interest was acquired;
 - d. If Waugh no longer holds such financial interest, so state and specify how and when Waugh disposed of such financial interest.
3. State whether Waugh has ever held a controlling interest in any business entity. If so, as to each such entity:
 - a. Identify the name, address, and telephone number of the business entity;
 - b. Describe the nature and extent of such controlling interest;
 - c. Specify the date such controlling interest was acquired and explain fully how such controlling interest was acquired;

- d. If Waugh no longer holds such controlling interest, so state and specify how and when Waugh disposed of such controlling interest.
4. State whether Waugh has filed a federal income tax return for each year between January 1, 1998, and the present. If not, explain fully why not.
 5. Describe each and every professional and/or trade license held by Waugh. If Waugh held a license no longer holds such license, so state and specify how and when Waugh relinquished such license.
 6. State whether any of the authorizations licensed to PCSI are, in fact, held or controlled in part or in full by Waugh. If so, state the type of ownership interest and control, and, for each ownership interest, state the percentage of such ownership.
 7. State whether any of the authorizations licenses licensed to PAI are, in fact, held or controlled in part or in full by Waugh. If so, state the type of ownership interest and control, and, for each ownership interest, state the percentage of such ownership.
 8. State whether Waugh is or at any time has been the real party-in-interest behind any of PCSI's licenses.
 9. State whether Waugh is or at any time has been the real party-in-interest behind any of PAI's licenses.
 10. State whether Waugh is or at any time has been the licensee, in fact, of any of PCSI's licenses, notwithstanding that the licensee of record is PCSI.
 11. State whether Waugh is or at any time has been the licensee, in fact, of any of PAI's licenses, notwithstanding that the licensee of record is PAI.

12. State whether Waugh or any other individual has entered into a management contract (whether written or otherwise) for control of the day-to-day operations of PCSI. If so, provide the dates, terms, and description of the services/responsibilities of the manager under such contract.
13. State whether Waugh or any other individual has entered into a management contract (whether written or otherwise) for control of the day-to-day operations of PAI. If so, provide the dates, terms, and description of the services/responsibilities of the manager under such contract.
14. Identify all individuals that have been members of PCSI's Board of Directors from January 1, 1998 to the present. If these individuals are no longer engaged on the Board, explain fully why not.
15. Identify all individuals that have been members of PAI's Board of Directors from January 1, 1998 to the present. If these individuals are no longer engaged on the Board, explain fully why not.
16. State whether Austin, PCSI, or PAI has ever employed Waugh. If so, state the dates and terms of such employment, the nature of the services provided by him, whether there has ever existed an employment contract, agreement or understanding (whether written or otherwise), and whether and in what amount compensation was paid for such services.
17. State whether Waugh has or has had unfettered use of all of PCSI's facilities, licenses and/or equipment. If not, explain fully the extent of Waugh's use of and access to PCSI's facilities, licenses and/or equipment. Provide the specific locations of all facilities and equipment used by PCSI.

18. State whether Waugh has or has had unfettered use of all of PAI's facilities, licenses and/or equipment. If not, explain fully the extent of Waugh's use of and access to PAI's facilities, licenses and/or equipment . Provide the specific locations of all facilities and equipment used by PAI.
19. Identify all individual(s) who have had responsibility for control of PCSI's daily operations from the date of its inception and, as to each such person, describe the nature of his or her responsibilities.
20. Identify all individual(s) who have had responsibility for control of PAI's daily operations from the date of its inception and, as to each such person, describe the nature of his or her responsibilities.
21. Describe in detail Waugh's responsibilities for the day-to-day operations of PCSI, including but not limited to (1) supervision of employees; (2) control of directors; (3) FCC filings; (4) debt or operations financing; and (5) revenue generation and allocation. If the nature of such involvement has changed in any way during the relevant period, describe fully how such involvement changed.
22. Describe in detail Waugh's responsibilities for the day-to-day operations of PAI, including but not limited to (1) supervision of employees; (2) control of directors; (3) FCC filings; (4) debt or operations financing; and (5) revenue generation and allocation. If the nature of such involvement has changed in any way during the relevant period, describe fully how such involvement changed.
23. Identify all individual(s) who have ever been responsible for preparing, filing, or assisting in preparing and filing, Documents on behalf of PCSI with the Commission.

24. Identify all individual(s) who have ever been responsible for preparing, filing, or assisting in preparing and filing, Documents on behalf of PAI with the Commission.
25. Identify all individual(s) who have ever prepared Documents containing the phrase “action items” on behalf of PCSI. Provide a general explanation of the content of each such Document.
26. Identify all individual(s) who have ever prepared Documents containing the phrase “action items” on behalf of PAI. Provide a general explanation of the content of each such Document.
27. Identify all individual(s) who have ever prepared, or assisted in preparing, correspondence or other materials to investors on behalf of PCSI. Provide a general explanation of the content of each such Document.
28. Identify all individual(s) who have ever prepared, or assisted in preparing, correspondence or other materials to investors on behalf of PAI. Provide a general explanation of the content of each such Document.
29. Identify all individual(s) who have ever been responsible for negotiating contracts, investment agreements, and/or legal proceedings on behalf of PCSI, and as to each such person describe fully the negotiations in which he or she was involved, the parties to the negotiations, and the dates of such negotiations.
30. Identify all individual(s) who have ever been responsible for negotiating contracts, investment agreements, and/or legal proceedings on behalf of PCSI, and as to each such person describe fully the negotiations in which he or she was involved, the parties to the negotiations, and the dates of such negotiations.

31. Identify all individual(s) responsible for the creation of the annual budget and business plan for PCSI for each year beginning in 1998 to the present.
32. Identify all individual(s) responsible for the creation of the annual budget and business plan for PAI for each year beginning in 1998 to the present.
33. Identify all individual(s) who have been responsible for payment of financing obligations incurred on behalf of PCSI, including expenses arising out of daily operations, since the date of PCSI's inception.
34. Identify all individual(s) who have been responsible for payment of financing obligations incurred on behalf of PAI, including expenses arising out of daily operations, since the date of PAI's inception.
35. Identify all individual(s) that have ever received consideration of any kind, compensation or revenue from the operation of PCSI's facilities or business. Describe fully what the nature and extent of such consideration, share, percentage, and/or amount of such compensation or revenue that each individual or entity received and any agreements establishing the right to such receipt. As to each individual, state the time period(s) during which each such receipt of compensation or revenue continued.
36. Identify all individual(s) who have ever received consideration of any kind, compensation or revenue from the operation of PAI's facilities or business. Describe fully the nature and extent of such consideration, what share, percentage, and/or amount of such compensation or revenue that each individual or entity received and any agreements establishing the right to such receipt. As

to each individual, state the time period(s) during which each such receipt of compensation or revenue continued.

37. Identify all individual(s) who have had authority to hire, fire, or supervise PCSI's employees, since the date of its inception.
38. Identify all individual(s) who have had authority to hire, fire, or supervise PAI's employees, since the date of its inception.
39. Specify by licensee name, licensee address, licensee telephone number, call sign, service, location, and expiration date all FCC licenses held and/or controlled by Waugh from January 1, 1998 to the present.
40. Identify by file number, application number, application title, date of filing, purpose, and disposition each and every application filed with the Commission by or on behalf of Waugh, and/or entities owned or controlled by Waugh. As to each such application:
 - a. Identify each and every person who was engaged in the planning, preparation, review, and/or filing of the application; and
 - b. Describe fully the nature and extent of his or her involvement therein.
41. State whether Waugh has ever been convicted of a felony in a state or federal court. If so, as to each such conviction:
 - a. Specify the case number;
 - b. Specify the court in which the conviction occurred;
 - c. State the date of the conviction;
 - d. Describe the nature of the offense;
 - e. State the date of the offense; and

- f. Describe the nature and extent of any sentence.
42. State whether Charles M. Austin is or has been aware that Pendleton C. Waugh has ever been convicted of a felony or felonies in a state or federal court. If so, specify when, where, and by what means Charles M. Austin came to have the knowledge that Waugh had been convicted of a felony or felonies; describe fully any documents related to Austin's acquisition of such knowledge, and describe any actions taken by Austin as a result of receipt of this knowledge.
43. State whether, at any time prior to July 27, 2006, Charles M. Austin, PCSI, PAI, or Waugh ever reported the felony convictions of Waugh to the Commission. If so, identify by whom and specify when and the method by which Charles M. Austin, PCSI, PAI, or Waugh reported such convictions to the Commission. If not, explain fully why Charles M. Austin, PCSI, PAI, and Waugh did not report such convictions to the Commission prior to July 27, 2006.
44. Identify by file number, application number, application title, date of filing, purpose of the application, and disposition of each and every application that Waugh, or any entity owned or controlled by Waugh, has filed with the Commission in which it responded "No" to the question, "Has the applicant to this application or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court?" As to each such application, describe fully the basis for such "No" response.
45. State whether all statements by Waugh, or by PCSI, in PCSI's responses to the Enforcement Bureau's June 30, 2006, and December 27, 2006, letters of inquiry were accurate when submitted to the Commission. If not, explain fully why not.

46. State whether all statements by Waugh in PCSI's responses to the Enforcement Bureau's June 30, 2006, and December 27, 2006, letters of inquiry remain accurate. If not, explain fully why not.
47. State whether Waugh has any information or materials that would supplement PCSI's responses to the Enforcement Bureau's June 30, 2006, and December 27, 2006, letters of inquiry. If so, provide such supplemental responses, information, and/or materials, as applicable, attached as responses to these interrogatories.
48. With respect to PCSI's response, dated January 25, 2007, to the Enforcement Bureau's second letter of inquiry:
- a. State whether PCSI stated in response to Inquiry 1 that "[a]s of the date of this response the remaining items need to be completed to effectuate the Raymond A. Hebrank Voting Trust: (1) initial payment of the trustee's compensation; (2) filing for the voting trust's taxpayer identification number; and (3) transfer of funds by Mr. Waugh to the voting trust that then would tender such funds to Preferred to purchase the shares to be issued to the voting trust." If so:
 - i. Identify the individual(s) on whom PCSI relied in making that statement.
 - ii. State whether the statement was accurate on January 25, 2007.
 - iii. State whether the statement is currently accurate. If not, explain fully why not.
 - iv. State why Waugh did not complete the tasks necessary to effectuate the Raymond A. Hebrank Voting Trust.

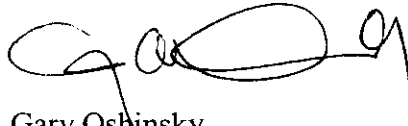
- v. State the amounts of (1) the referenced “initial payment of the trustee’s compensation;” (2) the referenced “funds to Preferred to purchase shares to be issued to the voting trust;” (3) the value of 800,000 shares of PCSI stock on April 14, 2000; and (4) the current value of 800,000 shares of PCSI stock.
 - vi. State what funds, compensation, services, or other items of value that Waugh has tendered, or is required to tender, to PCSI to effectuate the Raymond A. Hebrank Voting Trust.
 - vii. State what percentage of ownership interest and voting stock was represented by 800,000 shares at the time that the Raymond A. Hebrank Voting Trust was drafted and executed.
- b. State whether PCSI stated in response to Inquiry 1 that “Certificate C-17 was never issued, but remained on Preferred’s books to be issued (with the correct name of the Trust) at such time as Mr. Waugh or Mr. Hebrank presented executed voting trust documents together with a taxpayer identification number and the voting trust tendering funds to Preferred in the appropriate amount to purchase the 800,000 shares.” If so:
- i. Identify the individual(s) on whom PCSI relied in making that statement.
 - ii. State whether the statement was accurate on January 25, 2007.
 - iii. State whether the statement is currently accurate. If not, explain fully why not.

iv. State what funds, compensation, services, or other items of value that Waugh has tendered, or is required to tender, to PCSI in order to purchase the referenced 800,000 shares of PCSI stock.

49. State whether Waugh, or any entity controlled or operated by Waugh, is or has been involved in any litigation. If so, Identify the parties, describe the nature and status of all such litigation, and provide detailed information identifying the file number, docket number, court or other adjudicatory body, and jurisdiction of any such litigation.

50. State whether Waugh received a copy of the Order to Show Cause and Notice of Opportunity for Hearing in *Pendleton C. Waugh, et al.*, FCC 07-125 (released July 20, 2007), and if so, the date on which Waugh received it.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Oshinsky
Attorney, Investigations and Hearings Division



Anjali Singh
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

October 15, 2007

CERTIFICATE OF SERVICE

Kerri Johnson a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 15th day of October, 2007, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Enforcement Bureau's First Interrogatories to Pendleton C. Waugh" to:

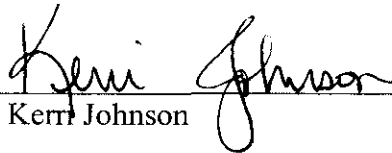
Jay R. Bishop
c/o Michelle Bishop
1190 South Farrell Drive
Palm Springs, CA 92264
jaybishopps@aol.com

David J. Kaufman**
Brown Nietert & Kaufman, Chartered
1301 Connecticut Ave. N.W., Suite 450
Washington, DC 20036
david@bnkcomlaw.com
Attorney for Preferred Communication Systems, Inc., Preferred Acquisitions, Inc., and Charles M. Austin

Robert J. Keller**
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, DC 20033-0428
rjk@telcomlaw.com
Attorney for Preferred Communication Systems, Inc., Preferred Acquisitions, Inc., and Charles M. Austin

William D. Silva**
Law Offices of William D. Silva
5335 Wisconsin Ave., NW, Suite 400
Washington, DC 20015-2003
bill@luselaw.com
Attorney for Pendleton C. Waugh

Administrative Law Judge Arthur I. Steinberg*
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054


Kerr Johnson

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